DOT INSIGHT SERIES

What To Do After a Commercial Motor Vehicle Accident

Prepared by Kirk Marino

Transportation Safety Consultant

Retired North Carolina State Highway Patrol Master Trooper

342 Enterprises – Transportation Safety & Compliance

Commercial motor vehicle crashes present significant safety, legal, and regulatory challenges for motor carriers and drivers. When a crash occurs, drivers must understand their responsibilities under the Federal Motor Carrier Safety Regulations (FMCSR) as well as the procedures necessary to preserve evidence and ensure compliance with federal reporting requirements. The actions taken immediately following a crash can impact the safety of those involved, the outcome of the investigation, and the motor carrier's regulatory compliance. Proper response procedures help protect lives, prevent additional collisions, and preserve important evidence used by investigators, insurance companies, and regulatory agencies.

1. Stop and Secure the Scene – 49 CFR 392.40

When a commercial motor vehicle crash occurs, the driver must immediately stop and take steps to secure the scene. Stopping promptly ensures injured parties can receive assistance and allows law enforcement to properly investigate the incident. Drivers should activate hazard warning lights, check for injuries, and contact emergency services when necessary. Remaining calm and focused on safety is critical in the initial moments following a crash.

2. Activate Emergency Warning Devices – 49 CFR 392.22

Drivers must deploy emergency warning devices when a commercial motor vehicle is stopped on the roadway. Federal regulations require three warning triangles to be placed to alert approaching motorists. Typical placement includes: • One triangle approximately 10 feet behind the vehicle • One triangle approximately 100 feet behind the vehicle • One triangle approximately 100 feet in front of the vehicle On divided highways or one-way roadways, the triangles should be placed 10 feet, 100 feet, and 200 feet behind the vehicle. When visibility is limited due to curves, hills, or weather conditions, warning devices should be placed further away to provide adequate warning to approaching traffic.

3. Notify the Motor Carrier Immediately

Drivers should notify their motor carrier as soon as it is safe to do so following a crash. Early communication allows the carrier to initiate internal accident reporting procedures, notify insurance providers, and begin coordinating any required response actions. Drivers should provide the crash location, description of vehicles involved, injuries reported, and the responding law enforcement agency.

4. Cooperate with Law Enforcement

When law enforcement arrives at the scene, drivers must cooperate with their investigation. Officers will typically request the driver's license, vehicle registration, insurance information, and shipping papers when applicable. Drivers should answer questions truthfully but avoid speculating about fault or the cause of the crash.

5. Document the Scene

Drivers should gather as much information as possible about the crash scene. Modern technology allows drivers to capture valuable evidence that may later assist investigators. Drivers should use all available technology including smartphone cameras to photograph vehicle damage, roadway conditions, traffic controls, and weather conditions. Wide-angle photos of the overall scene and close-up images of damage are extremely valuable. Drivers should also capture screenshots of the exact GPS map location of the crash using mapping applications on their phone. The documentation collected during this step directly supports the evidence preservation process described later in this guide and may be used during insurance claims or legal proceedings.

6. Post-Accident Drug and Alcohol Testing – 49 CFR 382.303

Federal regulations require motor carriers to conduct post-accident drug and alcohol testing in certain situations. Testing is mandatory when a crash results in a fatality regardless of fault. Testing is also required when the driver receives a citation and the crash involves bodily injury requiring medical treatment away from the scene or when a vehicle must be towed from the scene. Alcohol testing must occur within 8 hours and drug testing must occur within 32 hours following the crash.

7. Maintain an Accident Register – 49 CFR 390.15

Motor carriers must maintain an accident register documenting crashes involving commercial motor vehicles. The register must include the date of the crash, location, driver name, number of injuries or fatalities, and whether hazardous materials were released. These records must be retained for three years.

8. Preserve Evidence

Preserving evidence after a crash is essential to ensure an accurate investigation. Motor carriers should secure all documentation gathered at the scene including photographs, GPS screenshots, driver

statements, ELD records, ECM data, vehicle inspection reports, and driver qualification files.

9. Conduct an Internal Accident Investigation

Motor carriers should conduct an internal investigation to determine the root cause of the crash. Reviewing driver actions, vehicle maintenance records, environmental conditions, and company safety policies can help identify contributing factors and prevent future crashes.

10. What Crash Investigators Look For After a Commercial Motor Vehicle Accident

Crash investigators evaluate many factors when examining a commercial motor vehicle crash. Investigators may review driver statements, witness statements, roadway evidence such as skid marks or debris, and the final resting positions of the vehicles involved. Investigators frequently analyze electronic data including engine control module information, electronic logging device records, and GPS tracking data to determine vehicle speed, braking activity, and driver hours-of-service compliance prior to the crash. Vehicle damage patterns, cargo securement conditions, and vehicle maintenance records may also be examined. Understanding these investigative procedures helps motor carriers appreciate the importance of preserving evidence and documenting the scene properly.

Driver Crash Response Checklist

- Stop immediately and check for injuries
- Call 911 or emergency services if needed
- Activate hazard lights
- Deploy warning triangles (10 ft, 100 ft, 100 ft)
- Notify your motor carrier immediately
- Cooperate with law enforcement
- Take photos of vehicle damage and crash scene
- Capture GPS map location screenshots
- Collect witness contact information if possible
- Preserve ELD records and other electronic data
- Determine if post-accident drug and alcohol testing is required
- Complete company accident report

About the Author

Kirk Marino is a transportation safety consultant and retired North Carolina State Highway Patrol Master Trooper with over 27 years of experience in commercial motor vehicle enforcement, roadside

inspections, accident investigation, and transportation safety compliance.